

# The Ideal Model of Additional Demand in the Iranian Law

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## Abstract

In the civil procedure, some rights are considered for the plaintiff than can be raised until the end of the first hearing. These rights are generally referred to as additional action. In the civil procedure, only one Article has been allocated to this matter, it has only mentioned examples such as reducing the demand, increasing the demand, changing the litigation procedure, changing the demand, and changing the request, and it has not explicitly stated how to implement each. Increasing the demand only emerges by adding to the demand mentioned in the original petition without following the usual proceedings, while the plaintiff raises the additional action with a new petition, and, by doing so, a new action is established for the court. These two different approaches can tangibly affect the jurisdiction of the forum and the ability to complain about the issued decision. In the current study, it has tried to, besides looking upon the *raison d'être* of these two concepts with some modern legal inferences, take a small step to explain and propose an ideal model of increasing the demand in the legal community of the country through the provision of the suggestion of “omission of the term “increasing the demand” and establishment of an independent single-subject rule” in the current judicial system.

**Keywords:** Increasing the demand, additional action, reducing the demand, changing the litigation procedure, changing the demand and the request

## INTRODUCTION

In Iranian law and the law of some other countries (France and Lebanon), the plaintiff can change (amend) his/her original petition if needed after issuing the petition. In French law, this choice is referred to as the additional action, and Article 65 of the French civil procedure has recognized it as the ancillary action. In Lebanese law, there is no such term as increasing the demand like French law. In this law, the additional action is the one the plaintiff raises against the defendant to create some amendment added to the original petition (Khalil, 2001, 58). In Iranian law, Article 98 of civil procedure also mentions the plaintiff's choice of changing and amending the original petition without mentioning the term “additional action.” Therefore, in Iranian law, there is no doubt about the presence of such a choice for the plaintiff; however, what is debated is the nature and quality of implementation of such a choice (Matin Daftari, 2002, 73).

Based on what was mentioned, it can be said that the term “increasing the demand” mentioned in

Article 98 would be the basis for the plaintiff to increase his/her demand. Increasing the demand is the opposite of decreasing the demand and would be feasible for the demands that can also be decreased. Increasing the demand can increase the jurisdiction of the court's proceeding according to the new demand, and if there are legal conditions, the court can sentence the defendant up to the new requested amount. The plaintiff should pay the adjudication costs difference, and the proceedings fee is also exigible relative to the increased demand. The ability to complain about the issued sentence is also determined in terms of the new amount, and the principle of proportionality should be observed for all cases in which the demand is increased. The additional action is derived from a French term that means additional demand, defined in article 65 of French civil procedure under the title of ancillary action. Based on this article, the additional demand (*demande additionnelle*) is a demand based on which one party changes his/her previous demand (Gerard Couches, 1998, 58). The additional action mentioned in Article 17 is an action the original petitioner raises against the defendant after

raising the original petition. It is called ancillary action if related to the original petition or has the same origin as it and is a full action to be raised by a petition (Maghsudpour, 2012, 85). Some lawyers have also considered Article 98 of Civil procedure to be the document and basis for additional action (Badrian, 1995, 13) with the justification that based on this article, adding to the demand is possible, which is the same additional action. It can be both quantitative (such as the case the demand is increased from 1 million Rials to two million Rials) or the increase in the number of requests (like if the eviction lawsuit is raised first, and then the demand for arrears is also made in the first hearing) (Vahedi, 1999, 38).

### **1- Introduction to Increasing the Demand:**

As a general principle, it can be said that any parties to the lawsuit have the right to amend their claims and pleas under the law and with a justifiable cause on the condition that the opposing party is informed as soon as possible about the case so that an abnormal or illegal delay would not be inflicted upon a fair judgment and it will not be a cause for injustice (Pourostad, 2008, 32). Increasing the demand is one of the options the legislator granted to the plaintiff so that he/she can add to his initial demand mentioned in the lawsuit under some conditions, which has been legally mentioned in Article 98 of Civil procedure. According to this article, the plaintiff can add to his/her demand mentioned in the lawsuit under some conditions. i.e., the demand previously raised by the plaintiff can be increased (For example, if the plaintiff files a suit for the expropriation of two-sixth of immovable property and subsequently increases this demand to the expropriation of four-sixth of the same property). Nevertheless, the proponents of the theory of the unity of Article 98 of the Civil Procedure and additional action believe that increasing the number of demands is also acceptable under the same framework. They have provided several examples for it, e.g., the buyer, after the conclusion of the contract of sale and payment of the price to the seller, notices that the seller has committed *laesio enormis*, and in this regard, after the verbal announcement of contract termination, files a lawsuit in the court for confirmation of the cancellation but forgets to mention the condition of restitution of purchase

money, or in the case of eviction, after submitting the petition, the plaintiff finds out that the defendant has also started to build a building in the property that is the subject of the lawsuit. According to this group of lawyers, in both cases, the plaintiff can add the restitution of purchase money or demolition of the building to his/her original petition (Mowludi, 2002, 296). The legislator discusses the increase to the demand in Article 98 and not an addition of a new demand (Mohajeri, 2006, 13), and obviously, it is not possible to add a new demand under Article 98. As a result, we should accept that only an amendment of the demand's quantity is possible, and new demand cannot be raised based on Article 98 (Beheshti & Mardani, 2006, 78).

### **2- Concept and Position of Increase in Demand in Iranian Law:**

The main reason behind any legal disputes is the failure of one or both parties in fulfilling their obligations. The demand is the main pillar of any lawsuit, and it is a request the plaintiff makes from the competent authority to condemn the defendant. According to Civil procedure, the demand can be amended (reduced or increased) by the plaintiff in the first hearing unless it has the same origin as the original petition or is fully related to it; however, the plaintiff is allowed to reduce his/her demand in all stages of the proceedings. The lawsuit is submitted for a specific purpose. In some cases, the plaintiff requests payment of damage, seizure of movable property, or return of an amount, etc. (Shams, 2016, 34).

What makes the plaintiff refer to the court and file a suit is a right he claims to be violated by the defendant. Accordingly, the demand determines the scope and purpose of the proceeding, and it can be financial such as money or a building, or non-financial such as an obligation to comply or perform an action. Therefore, the demand is the essence of a trial and would be meaningless as long as there is no such essence. In the law of many countries, the plaintiff has been allowed to amend, change, or complete his/her original and previous claims if needed, after submission of the petition and filing the suit. Our Civil procedure has granted such permission in Article 98. One of the cases allowed for the plaintiff is increasing the

demand. There is always the possibility that at the time of submitting the petition, the plaintiff has not wanted or been able to raise all his/her demands due to some reasons, or after filing the suit, new conditions have emerged that were not previously present, or if present, instead of filing a new independent suit, adds a new demand to his/her original petition. Such a right is granted to the plaintiff by the court to prevent several petitions in one suit and preserve the plaintiff's rights. The demand increase adds to an original petition the plaintiff has initially raised. The increase in demand is the opposite of a decrease in demand. A decrease in demand is referred to as reducing the original demand (Research group for increasing demand in court procedure, 2017, 17).

### **3- Conditions to Initiate Proceedings for the Increase in Demands:**

This section will investigate the conditions for the increase in demand, different types of it, and the cases that should be applied and observed after the increase in demand.

#### **3-1- Conditions to Petition for Increase in Demand:**

It is not possible to petition for an increase in demand in any way, and it has to possess some specific conditions based on the law. Among these conditions, the following can be mentioned:

1- The increase in demand should be related to the original demand petitioned by the plaintiff. In fact, regarding Article 141 of the Civil procedure, such action is possible if it is fully related to the original petition in a way that the issuance of a decision on each affects the other.

2- Both requests must be from the same origin. If the plaintiff has demanded an amount in the case of compensation for a property, he cannot add an amount as an increase to the demand as damage caused to the same property. The origin of the first demand is usurpation, and the origin of the second one is waste. Therefore, if the origin of the two demands is not the same, the increase in the demand will not be realized and will not be accepted by the court and requires a separate petition.

3- According to Article 98 of the Civil Procedure Law, the increase in demand should be done only until the end of the first hearing. If the petitioner does not present his request for an increase in demand during this time, he can no longer present his request to the court as an increase in demand, and he needs a new petition to file his lawsuit. Until the end of the first hearing or during the first hearing is the deadline that the legislator has considered for increasing the demand. As for the definition of this deadline, it should be said: "The first hearing is called the first session of the court in which the legal proceedings for handling the lawsuit are provided, and the negotiations of the parties end during it. In other words, to hold the first hearing, the reasons for holding the hearing must be provided, the aforementioned hearing must be held, and the hearing must also be concluded, i.e., the negotiations of the parties must end in that session unless the hearing is extended before the end of the negotiations of the parties or renewed, the next session is considered a continuation of the first session" (Vahedi, 1997, 74).

It is possible to increase the demand until the end of the first hearing, and in the following hearings, this possibility is not available for the petitioner. With increasing demand, the scope of the court's investigation will increase to the new demand, and the court can condemn the defendant up to the new amount. The adjudication costs difference must be paid, and the proceeding fees can be claimed if they are increased compared to the original demand. The new amount also determines the ability to complain about the issued decision. Also, with a change of demand, the hearing may be delayed or renewed, and sometimes the change of demand causes the petition to be rejected, and sometimes it causes a lawsuit that previously could not be appealed with the change of the demand. (Yemerli & Sayadi, 2016, 27).

#### **3-2- Cases of Increase in Demand:**

An increase in the demand can be both in the form of an increase in the quantity of the demand and an increase in its number. Adding to the quantity of the demand, such as the initial demand of the plaintiff was a demand of five hundred thousand rials paid as a loan, but after filing a lawsuit, he realizes that actually, he has

lent the defendant an amount of one million rials. Meanwhile, he can increase his demand to one million rials. An increase in the number of requests is also the same as when the petitioner requests the eviction of the same tenant but later adds the payment of arrears to it, or when he first submits a petition for confirmation and enforcement of the transaction and later adds the obligation to submit the object of sale (ibid., 21).

### **3-3- Application of Cases after Requesting the Increase in Demand:**

#### **3-3-1- Payment of Adjudication Costs Difference:**

In case of acceptance of an increase in demand, the plaintiff should pay the adjudication costs difference. In some cases, the petitioner may not take action in paying the proceeding fee despite cognizance to rectify the defect, stating that he has to pay the proceeding fee within the stipulated period. In such a case, a group of lawyers believes the petition should be rejected. The basis of this opinion is that when the petitioner, for example, increases a petition from ten million to twenty million tomans, he puts twenty million tomans as the demand of the petition, and because he has not paid the proceeding fee, therefore, according to Articles 53 and 54 of the Civil proceedings, the guarantee of execution carries rejection of the plaint. Another group believes that the decision to reject the petition is issued only for the additional part. Its basis is that even though the proceeding fee has been paid for the additional part, the original petition and demand before the increase had no defects, and the failure to fix the defect concerning the increased part is not permitted to reject the petition in general. Only the sentence to reject the petition concerning the increased amount will be issued. By examining and comparing these two views, the second view seems more consistent with the principles of civil procedure and justice. The plaintiff must pay a proceeding fee equal to the increase in his demand, except in cases where it is not possible to schedule the price of the demand at the time of the increase. In this case, according to the law on collecting some government revenues and their consumption in certain cases, the petitioner will cancel the certain stamp amount and pay the rest of the legal fees after the exact determination of the request and the issuance of

the verdict. (Research Group on increasing demand in court procedures, 2017, 20).

#### **3-3-2- Observance of Principle of Proportionality:**

In all cases where the demand is increased, it is clear that the principle of proportionality should be observed as one of the progressive principles of Civil procedure. Therefore, if the defendant is not present at the hearing, or if he is present but he cannot defend himself due to the amendments, the court is obliged to renew the hearing according to the uniform precedent of Article 64. The Civil Procedure Advisory Commission of the Legal Department of Justice declares, "If the petitioner changes his request during the first hearing, the defendant must be summoned and defend it. The court's proceedings will not be correct without announcing the demand change to the defendant. Therefore, if the court issues a decision based on the increased demand without giving the right to defend against the increased demand, this decision will be overturned in the next stages of the proceedings because the principle of proportionality is one of the basic principles of proceedings and its violation will undoubtedly lead to the violation of the issued decision (ibid., 2018, 23).

#### **3-3-3- Difference between the Increase in Demand and Similar Establishments:**

Some jurists have equated the increase in demands with the demands mentioned in Article 65 of the Civil Procedure. Furthermore, some other jurists have considered the increase in demand as a kind of additional petition. We will examine these issues in the following.

##### **3-3-3-1- The Difference between Increased Demand and Multiple Demands:**

Article 65 of the Civil Procedure is about multiple lawsuits filed in one petition. According to this article, multiple lawsuits must be completely related to each other so that the court can deal with them together with one lawsuit; otherwise, the court will separate them and deal with each separately in compliance with the laws. Sometimes this issue was considered the same as the increase in demand, and they were taken as one case, while it should

be acknowledged that the issue of increasing the demand arose after the original petition and will be handled by a separate bill or request. These two issues are similar in some cases, such as the same origin and their connection with each other. However, in general, these two legal issues are not the same, and there are also differences between them (ibid., 2018, 25).

### **3-3-3-2- Difference between the Increase in Demand and Additional Action:**

Additional action is a state where the plaintiff wants to add a new demand to his previously raised demands. For example, the petitioner has submitted a petition for the confirmation of termination of the contract and intends to submit a petition for the restitution of the price paid resulting from that contract. Because this case is a new one, although being related to the previous lawsuit, it should be presented as an additional demand in the form of a new lawsuit, but the increase in the demand refers to the situation where the plaintiff wants to increase the amount of the same demand that he had such as increasing the amount of his lawsuit from 80 golden coins to 100.

-Additional petition requires submission of a petition and compliance with formalities, but the increase of demand is done only by a simple written or oral request.

- From another perspective, some lawyers have also considered the increase in demand as part of additional actions. However, according to Article 98 of the Civil Procedure, the increase in demand is not a lawsuit. However, it is a type of request that does not require a new lawsuit because this matter does not have the conditions of a new lawsuit or action but is raised as a continuation of the previous lawsuit, and the conditions of a lawsuit in the original petition are observed, and it is only added to the original demand. This issue cannot be considered a new lawsuit, unlike the additional action that must be filed in the petition and by observing all the conditions of the proceedings (ibid., 2018, 26).

## **4- Increase in Demand in Sentences of the Courts:**

### **4-1- Sentences of Courts of First Instance and Courts of Appeal:**

Instances of increase in Demand:

Examples of increase in demand: In the case of quantum meruit for the possession days, the addition of expropriation until the end of the first hearing is not an instance of an increase in demand and is considered a new demand and cannot be heard as an increase in demand.

In a case dated 26/05/2010, a petition was submitted against the defendant party to demand the plaintiff's share of the price of a suite located in the yard of a property. In return, on 04/10/2010, a lawsuit was filed against the party... to the plaintiff's request of the share of the price of a villa house, to the registration mentioned above the plate on 22/05/2009, that the cases mentioned above will be consolidated with the issuance of a joint trial order. First, regarding the original lawsuit brought against the party..., the court, with respect to the establishment of official ownership of ... to the two-sixth of the aforementioned property, as well as the establishment of the joint and hereditary ownership of the co-owners in relation to its other four-sixth, and with respect to the establishment of exclusive possession of the suite by ... and with consideration of disagreement of the plaintiffs about the defendant's exclusive and free use of the aforementioned common suite, the plaintiffs' claim against the defendant is accepted and since the defendant has provided no positive proof to the court to deny the plaintiffs' right for raising a lawsuit or legibility of his exclusive possession of the suite, and such proofs are not available in the file, and considering that the official expert selected by the court pursuant to comment submitted with the number 497-31/2/1391, the court has assessed the price of the aforementioned whole building to be 75000000 Rials from 06/11/2004 (date of death) to 31/08/2006, and ... share is 25000000 Rials based on his two-sixth share of the building, and the rest (50,000,000 Rials) is the value of the shares of the parties to the lawsuit from the fixed price. Secondly... based on Article 96 and Article 2 of the Civil Procedure, it is announced that the case will not be heard. (Deputy of Judiciary Education, 2008, 58) (Tehran General Court of Law, Branch No.112).

The defendant has filed an appeal against the judgment of Branch 112 of the Tehran General Court of Law. According to the document mentioned above, the original lawsuit filed by

the appellants to claim the remuneration for the days of possession of a suite located in the courtyard of the property, which was accepted from 8/16/1383 to 5/30/1384 based on the expert's comments, the verdict was issued on the appellant's conviction to pay an amount of 67700000 Rials as an appeal. Furthermore, regarding the counterclaim presented by the appellant against the defendant party, the demand for compensation for the days of possession from 21/04/2009, relying on the expert's comments, the judgment on the conviction of the appellant appealed to pay the amount of 108805000 Rials as the compensation for the days of possession of the first-floor apartment with the registration mentioned above plate, from 22/05/2009 to 26/02/2011 has been issued in favor of the appellant. Regarding the claim for the quantum meruit of the apartment on the second floor of the property subject to the suit, a verdict has been issued to reject the claim because the possession has not been approved. Furthermore, regarding the eviction claim, the appeal has been dismissed by the appellant because the said claim is raised in the form of increasing the demand, and this case is not an example of increasing the demand and is considered a new lawsuit; so disregarding the case has been issued... In accordance with the provisions of Article 358 of the Civil Procedure and following Article 35 of this law, while rejecting the objection of the petition, the appeal by the defendant, which is approved by and is based on the overall legal standards under the principles of the issued proceedings, is approved and consolidated (*ibid.*, 33) (Tehran General Court of Law, Branch No.112).

#### **4-2- Judgements of the Disciplinary Court of Judges:**

By withdrawal of the declaration of consent of the disciplinary plaintiff, the defense of the head of the Legal Court Branch One (by sending the images of the two petitions, the first one to request the eviction of three-sixth of a jointly owned property, and the second one for the usurpation of the occupied parts by the defendant from the mentioned plate and also cutting the trees down and destruction of properties to different claimants) is that in each case, the amount of the demand is clear and changing or increasing the demand is contrary to reality. The comments of the registry office and

the selected expert panel reveal the defendant's possession and violation. According to the meeting minutes for the implementation of local examination and investigation appointments, the defendant has not denied possession and ownership and requested to refer the matter to an expert. However, after the intervention of the lawyer using legal artifice, he resorted to his lack of ownership, and the use of the opinions of the panel of experts in the first case for the second case is allowable in terms of the registered plate and there are no contradictions with the provisions of the law. The court advisor also does not hold himself accountable, considering that advisors are usually used in different courts to get signatures and do not vote. Therefore, considering the above opinion about the advisor, according to Article 3 of the law on the establishment of legal courts one and two approved in 1985, the president or judge of the court has the right to vote, and the advisor only submits his opinion to the court. According to this court, there is no liability towards the advisor, and he will be acquitted. Regarding the president of the court, according to his defenses, the court did not establish a violation that implies the burden of disciplinary responsibility against the named person and declared his acquittal (Karimzadeh, 2010, 197).

#### **4-3- Judicial Session:**

**Question:** If a person files a petition demanding the amount of two million tomans and demands a suit for insolvency of payment of the proceeding fee, and the court issues temporary insolvency of payment of the plaintiff, and the plaintiff in the first session of the court with authority derived from Article 98 of the Code of Civil Procedure increases his demand, whether the previous insolvency lawsuit can be extended to increase the demand, or the plaintiff must pay the proceeding fees for the increase in demand?

**Majority's opinion:** There is no need to pay the proceeding fees and file a lawsuit again because the exemption from the proceeding fees is not related to the request but to the lawsuit. Therefore, since the lawsuit has not changed, there is no need to pay the proceeding fees and file a lawsuit again.

**Minority's opinion:** the proceeding fees must be paid, and the lawsuit must be filed again to increase the demand.

Commission's opinion: In case of acceptance of the plaintiff's claim for the proceeding fees due to insufficient property or lack of access to the property, after verifying the validity of the claim and following the legal procedures, the proceeding fees will not be collected from him, and the increase or decrease of the demand has no effect on the insolvent's situation, and there is no need to file a lawsuit again because the claim of his insolvency to pay the proceeding fees has been proven (Collection of Judicial Sessions, 2004, 59).

#### 4-4- Consultative Judgement:

Is it legal to increase the requested price after the first hearing, and what is the obligation if the plaintiff increases his request according to Article 98 of the Civil Procedure and does not pay the difference in the legal fees?

The judgment of the General Administration of Legal Affairs and Judiciary Documents: The purpose of increasing the demand in Article 98 of the Civil Procedure enacted in 2000 is to amend and add to the first demand mentioned in the petition. There is no problem in increasing the demand until the end of the first session hearing, but adding to or amending the proceedings of the claim or the demand in the petition must have the same origin as the first demand. The increase in the demand that is the subject of this article is other than the increase in the price of the demand that is the subject of Article 63 of the same law, so if the increase in the demand is about cash, e.g., the increase from 3 million to 100 million Rials, as well as the addition of the demand for quantum meruit to the original demand that was an eviction, there would be no problem to add to the demand until the end of hearing in case the origin of the additional demand is the same as the general one. If the plaintiff increases his demand according to Article 98 of the law above, he must pay the proceeding fees difference. The failure in the payment of the proceeding above fees is considered a defect in the petition, and if the petitioner does not comply with his legal obligation with a notice to correct the defect, it will be rejected in general (Deputy for Education of the Judiciary, 2008, 48).

#### Conclusion and Suggestions:

- There is a dispute regarding the unification or separation of additional lawsuits and amendments in Article 98 of the Civil Procedure. With the review that was carried out in this research and concerning the legislative history and the position of Article 98 of the Civil Procedure, which has been mentioned since the beginning of the legislative process in Iranian law, under the headings such as handling lawsuits and hearings (and not ancillary lawsuits) according to which only amendments are made in the proposed request from the petitioner, and also the examination of the examples of the article above (Article 98) including the increase and change of the request, as well as the change of the proceedings and request, we saw that these amendments are not related to the additional lawsuit of the subject of Article 17 of Civil procedure and is different from it. Because in these cases, only amendments are made to the demands that the petitioner has already raised, and these amendments are requested according to the contents of this article. While Article 17, as one of the examples of ancillary lawsuits, refers to a lawsuit that is filed by the plaintiff against the defendant and has a connection or common origin with the main lawsuit, i.e., in Iranian law, with the change of the legislator's expression, the different definitions provided in Articles 17 and 98 of the Civil Procedure, the legislative history, etc., these two institutions have been distinguished from each other. The idea of separating these two from each other should be accepted. Accordingly, the acceptance of each of these theories has effects, the most important of which are the observance of the formalities of the petition and the relationship between the condition of connection and the unity with the origin. With the explanation that if we accept the theory of unity, the formalities of the petition in the additional lawsuit will be meaningless, and according to Article 98, it is necessary to have both the conditions of connection and unity of origin. While if we believe in the theory of separation, there is no need to observe the formalities in the changes of Article 98, for additional lawsuits, the formalities of the civil procedure must be observed. In addition, in the case of separation, for an additional lawsuit, the presence of one of the two conditions of connection, which are complete connection or unity of origin, is sufficient, and there is no need

for the existence of both conditions and obligation to justify the sufficiency of one of the two conditions. Articles 17 and 141 of the law are conflicting regarding the condition of connection or full connection, and different opinions were presented in this regard. Furthermore, finally, we saw that in French and Lebanese law, there is no distinction between increased demand and additional action, and these two are the same. In addition, in the laws of these countries, the connection is only discussed in the form of "adequate connection" or "necessary connection," and the condition of the unity of origin is not mentioned in any way in the ancillary lawsuits, including additional lawsuits.

According to the analyses above and explanations, the following should be brought to the attention of the legislator under the title of presenting an ideal model of increase in the demand in Iranian law:

- To prevent the imposition of unnecessary costs and wasting of the time of the court and the parties to the case, and to ease the proceedings, the legislator accepts filing a lawsuit, whether it is related to increasing the number of demands (adding a new demand) or adding to the quantity of demand (amount of demand), by submitting a petition and compliance with the proceedings.

- In amending the law, out of the condition of the unity of origin and complete connection in the compliance of the claim of an increase in the original petition, only the condition of existence of "complete connection" is sufficient.

- In order to prevent the formally raising of an increase in the demand and the need to explain the basis of presenting this lawsuit by the petitioner, first, the reason for not including the second lawsuit at the time of submitting the original petition will be examined and then if there is a legal excuse, the lawsuit for the increase in the demand will be accepted.

- The legislator can determine the deadline for submitting an increase in the demand after the first hearing if the defendant consents.

- Full observance of the principle of proportionality by the court, especially in the case of filing a claim for an increase in demand by the plaintiff, when the defendant was not present at the first hearing and was not informed of the new claim.

- Removing the term "increase in demand" from Article 98 and establishing a single-clause bill as follows:

Single-clause bill: The claimant of the increase in the demand can present his petition to the court where the original lawsuit was filed until the end of the first hearing and if this increase in demand is completely connected to the original lawsuit.

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